THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 700 of 2007

Dated: 18.01.2007

Between:

The Depot Manager, A.P.S.R.T.C., Tandur Depot, Ranga Reddy District.

..... PETITIONER

AND

S. Gopi, S/o Bomla, E.271864, Driver, C/o Flat No.103, Saideep Apartment, C.P.L. Road, Amberpet, Hyderabad and another.

.....RESPONDENTS

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Order:

Assailing the award dated 25.04.2006 passed by the Labour Court-I, Hyderabad, in I.D. No. 43 of 2003, directing the petitioner-Corporation to reinstate the 1st respondent-workman into service with full back wages, continuity of service and all other attendant benefits, the petitioner-Corporation filed the present writ petition.

Learned Standing Counsel for the petitioner-Corporation mainly contends that on the date of accident the bus was handed over to the 1st respondent only after attending its FNS Spring Blade Brake by the mechanic, namely M.S. Narayana, and that there is no mechanical defect of the bus, and due to rash and negligent driving of the bus by the 1st respondent the accident had occurred. He further contends that the Labour Court, without properly appreciating the evidence on record, erred in coming to the conclusion that the accident occurred due to the mechanical defect of the vehicle and passed the impugned award, hence, the same is liable to be set aside.

Heard the learned Standing Counsel for the petitioner-Corporation and perused the award of the Labour Court.

The parameters and scope of judicial review of this Court under Article 226 of the Constitution of India to issue a writ of certiorari are limited to – firstly to correct errors of jurisdiction when the inferior Court or Tribunal acts without jurisdiction or in excess or fails to exercise it, secondly correct errors of law apparent on the face of the record, and thirdly correct and interfere with the findings that are based on suspicion, conjectures or surmises or no reason. The law is well settled that this Court does not act as an appellate authority and reappraise the

evidence while exercising certiorari jurisdiction. It is within these parameters, the impugned award of the Labour Court, is to be examined.

The contention of the learned Standing Counsel for the petitioner-Corporation that there is no mechanical defect of the bus at all, and the accident occurred only due to rash and negligent driving of the bus by the 1st respondent, cannot be accepted, for the reason that the Labour Court, after analyzing the evidence of the Mechanic, namely M.S. Nrayana, as well as the entries made in the driver's log sheet, came to the conclusion that the accident occurred only due to mechanical defect of the bus, but not due to rash and negligent driving of the bus by the 1st respondent. That apart, in para 6 (c) of the writ affidavit, the petitioner-Corporation clearly stated that though there was some defect in the vehicle the 1st respondent has to take care in driving the vehicle. Hence, it cannot be ignored that the vehicle, which was entrusted to the 1st respondent, was mechanically defective one and due to mechanical defect of the bus only the accident had occurred. In the circumstances, no exception can be taken to the award passed by the Labour Court in setting aside the punishment imposed by the petitioner-Corporation against the

1st respondent.

The award of the Labour Court, judged from the parameters of certiorari jurisdiction of this Court under Article 226 of the Constitution of India, does not call for interference, for the petitioner-Corporation failed to point out any infirmities.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

N.V. RAMANA, J.

Date: 18.01.2007

Nsr/Sj